

REMARKS

By the foregoing amendment, claims 1-4 and 7-18 have been canceled without prejudice. Claims 5 and 6 have been amended to recite “ribavirin monophosphate” instead of “ribovirin”. The amendment to the claims is supported throughout the specification, and in particular in Example VII (RMP is ribavirin monophosphate), beginning at page 44 and in Table 9. Additionally, the specification has been amended to correct the spelling of ribavirin at page 10. No new matter has been added by these amendments.

Applicants submit that they have fully complied with the restriction requirement.

Applicants further submit that the rejection under § 101 has been rendered moot by cancellation of claims 11 and 12, without prejudice to pursuing those or similar claims in one or more copending applications.

In addition, Applicants submit that the rejections under § 112, first paragraph, have been overcome by the foregoing amendment. In particular, as acknowledged at page 3, last paragraph, of the January 6, 2005, office action (Action), the specification teaches a complex of *T. foetus* IMPDH with RMP and a complex of *T. foetus* IMPDH with RMP and MPA. See page 52, lines 29-31 and page 53, lines 1-8. Thus, the specification provides both enablement and written description for the crystalline species set forth in claims 5 and 6. Accordingly, Applicants request withdrawal of the § 112, first paragraph, rejections.

In light of the amendments and remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to contact the undersigned if there are any questions.

10/663,347

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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